

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1537, L.D. 2170, Bill, "An Act to Clarify and Improve the Procedures of the Maine Health Care Finance Commission"

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Amend the bill by striking out all of sections 2 and 3 and inserting in their place the following:

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Sec. 2. 22 MRSA §397, sub-§3, as enacted by PL 1983, c. 579, §10, is amended to read:

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3. **Burden of proof.** In all trials, actions and proceedings arising under this chapter, the burden of proof shall-be is upon the party seeking to set aside any determination, requirement, direction or order of the commission complained of as unreasonable, unjust or unlawful, as the case may be. In all original proceedings before the commission where when approval of the commission is sought or a proposed revenue limit is contested, the burden of proof shall-be is on the person seeking the approval or contesting the revenue limit if, in the case of a proposed revenue limit, the executive director has furnished, reasonably in advance of the deadline established for notices of contest, a written explanation of the differences between the information timely filed with the commission by the hospital for the purpose of computing a revenue limit and the information relied upon in computing the proposed revenue limit.

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Sec. 3. 22 MRSA §398, sub-§2, as amended by PL 1989, c. 386, §2, is further amended to read:

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2. **Interim adjustments.** Upon application by a hospital, affiliated interest, payor or group of purchasers, for an interim adjustment to financial requirements permitted under section 396-D, or upon application by a payor or group of purchasers for a modification of its approved differential or of the apportionment of the gross patient service revenue, and after

2 opportunity for hearing, a final order shall must be promulgated
3 issued within 120 days from the date a completed application was
4 filed, except that the commission may extend the 120-day period
5 by an additional ~~60~~ 90 days ~~with respect to an application for an~~
6 ~~adjustment under section 396 D, subsection 9 A or 9 B~~ when the
7 commission determines, after allowing an initial period for
8 informal negotiation among the parties to the proceeding, that an
9 opportunity for formal proceedings including a hearing should be
10 provided before a decision is made. The parties may further
11 extend the time by agreement. Any proposed change shall ~~take~~
12 takes effect upon the date specified in the order. At any time
13 during the period between the filing date and the commission's
14 final decision on the request, the commission may extend
15 provisional approval to any part of the request. This
16 provisional approval ~~shall be~~ is superseded by the commission's
17 final decision on the request. The commission may establish
18 reasonable limits on the frequency of requests filed under this
19 subsection.'

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STATEMENT OF FACT

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This amendment modifies and further clarifies the statutory
changes proposed in the original bill.

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Reported by the Committee on Human Resources.
Reproduced and distributed under the direction of the Clerk of the House.

(3/13/92)

(Filing No. H-1117)